

REMARKS

In the Restriction Requirement dated July 15, 2008, the Examiner delineated the following inventions as being patentably distinct.

- Group I: Claims 2, 4-15 and 20-29, drawn to a liquid formulation comprising human growth hormone;
- Group II: Claims 3-15 and 20-29, drawn to a liquid formulation comprising growth hormone releasing hormone (GHRH); and
- Group III: Claim 16-17, drawn to a process for production of a liquid formulation comprising the step of preparing an aqueous solution of the components of (a) to (d).

In response to the Restriction Requirement mailed July 15, 2008, Applicants elect without traverse Group I, Claims 1, 2, 4-15 and 20-29, drawn to a liquid formulation comprising human growth hormone. Further, Applicants reserve the right to file divisional applications on the non-elected subject matter if so desired, and be accorded the benefit of the filing date of the parent application.

Divisional applications filed thereafter should not be subject to double-patenting ground of rejection, 35 USC 121, *In re Joyce*, (Comr. Pats 1957) 115 USPQ 412.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E. P. § 803).

Applicants make no statement regarding the patentable distinction of the groups but note that for the restriction to be proper there must be patentable differences.

Application No. 10/549,763  
Response to Restriction Requirement

Applicants submit that the above-identified application is now in condition for examination on the merits and an early notice of such action is earnestly solicited.

Respectfully submitted,

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